

RESOLUTION NO. 2004 - 49

**A RESOLUTION REQUIRING THE VACCINATION OF CERTAIN ANIMALS,
PROHIBITING THE KEEPING OF A VICIOUS DOG, PROVIDING FOR THE
IMPOUNDMENT AND DISPOSITION OF ANIMALS UNDER CERTAIN
CIRCUMSTANCES, ESTABLISHING POLICIES AND PROCEDURES WITH RESPECT
THERETO, AND ESTABLISHING PENALTIES FOR VIOLATIONS**

WHEREAS, the Board of County Commissioners is entitled and authorized to exercise the powers of home rule in order to transact all county business and to perform all powers of local legislation and administration it deems appropriate pursuant to K.S.A. 19-101, et seq.; and

WHEREAS, the Board of County Commissioners deems it necessary and appropriate for the safety and welfare of Reno County citizens to provide for the vaccination of certain animals for rabies and to prohibit the keeping of vicious dogs, and

WHEREAS, Reno County has informally provided certain services related to the control of animals in unincorporated areas; and

WHEREAS, it is desirable to provide consistency in administration by adopting a policy which details the services provided;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RENO COUNTY, KANSAS, that the following policies, regulations and procedures be adopted:

I. DEFINITIONS: Unless otherwise clearly indicated by the context, the following terms as used herein shall mean as follows:

- A. "Cat" shall mean all domesticated members of the felinies familiaris, male and female, five months of age or older.
- B. "Dog" shall mean all members of the canis familiaris, male and female, five months of age or older.
- C. "Domestic animal" shall mean a dog, cat, or ferret.

- D. "Domestic livestock" shall mean all domesticated cattle, swine, horses, sheep, goats, rabbits and fowl which are raised and confined on private property.
- E. "Ferret" shall mean a small domesticated European polecat, a member of the mustela putorius furo (domesticated ferrets) family.
- F. "Inoculation, vaccination or vaccination for rabies" shall mean the injection by a veterinarian or his or her authorized agent, of a specific dose of anti-rabies vaccine into the body of an animal, such vaccine having the U.S. Government license number stamped on the label of the vaccine container.
- G. "Health Officer" shall mean the Director, Reno County Health Department, or his/her designee.
- H. "Own" means to own, keep, harbor, or to have control, charge or custody of an animal.
- I. "Owner" means any person who, or firm or corporation which, owns, harbors, shelters, keeps, controls, manages, possesses or has any part interest in any dog, cat, ferret, or kennel.
- J. "Vicious dog" means any dog which is fierce, dangerous, mean or uncontrollable and which has either previously bitten a person or presents a clear and immediate risk of injury to any person, domestic animal or domestic livestock; or any dog which is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such dog to attack, any official while such official is engaged in the performance of their duties.

II. RABIES VACCINATION REQUIRED: EXCEPTIONS.

It shall be unlawful for any owner or keeper of a domestic animal to keep any of such animals in the unincorporated area of the county without having such animal vaccinated against rabies by a state licensed veterinarian, unless such owner shall exhibit a certificate of a state licensed veterinarian that vaccination would be injurious to such animal. The owner or other person in control of any such animal shall present evidence of a current rabies vaccination for such animal upon demand by a County Environmental Sanitarian, the County Health Officer, or any Sheriff's Deputy.

III. KEEPING OF A VICIOUS DOG PROHIBITED; DISPOSITION.

It shall be unlawful for any person to keep or harbor any vicious dog within the unincorporated area of the County. Any County Deputy Sheriff shall have the authority to impound a vicious dog. Impounded vicious dogs may be euthanized or otherwise disposed of by order of the District Court, and all costs and expenses incurred by the County in connection therewith shall be assessed and paid by the person or persons keeping or harboring such dogs. Nothing herein shall be construed to limit the authority of a Sheriff's Deputy from handling or disposing of a vicious dog by some alternate method deemed necessary in the Officer's judgment under the circumstances then prevailing.

IV. IMPOUNDMENT; DISPOSITION.

A. In the event a domestic animal is impounded by the County Health Officer for quarantine purposes and the owner or keeper of such animal cannot be determined or located, the animal may be

euthanized or otherwise disposed of at the direction of the Health Officer. In the event the owner or keeper of a domestic animal, impounded for quarantine purposes, does not produce a current certificate of vaccination by a State licensed veterinarian prior to the animal's scheduled release, the animal shall not be released until having been vaccinated at the owner's expense. In the event the owner does not arrange and pay for a vaccination by the end of the animal's quarantine, the animal shall be delivered to a shelter designated by Reno County.

- B. In the event the owner or keeper of a dog, cat or ferret, impounded for quarantine purposes by the Health Officer, fails to produce a current vaccination certificate within 72 hours of notification to produce the same, he or she shall be financially liable to Reno County for all costs and expenses, including veterinarian fees and room and board charges, incurred by Reno County in connection with the impoundment and disposition of the animal; and no such person shall take any impounded animal without paying the costs and charges due on such animal.

V. POLICY AND PROCEDURE FOR PICKING UP AND HOUSING DOMESTIC ANIMALS

- A. Application of policy and procedure for reporting.
 - 1. Reno County does not have a regulation requiring that domestic animals be confined or kept on a leash. Therefore, no action will be taken on such reports.
 - 2. Abused and Neglected Animals: All reports concerning abused and neglected animals shall be directed to the Health Department. The Health Officer shall be responsible for screening such reports and determining if

there is factual evidence to seek a court order for impounding the animal at an animal care facility until a court of competent jurisdiction determines if the animal can be returned to the owner or permanently removed and given to an agency that can seek an adoptive home. Court costs, housing and/or medical charges in such cases shall be paid by the owner of the animal.

3. Vicious Dogs: All reports regarding vicious dogs shall be directed to the Sheriff's Department. The Sheriff shall be responsible for screening such reports and determining whether the animal is vicious, using this Resolution as guidance but ultimately relying upon his or her best judgment.
4. Diseased Animals when such diseases can be transmitted to humans: All reports regarding such diseased animals shall be directed to the Health Department. The Health Officer shall be responsible for screening such reports and determining whether the animal(s) is diseased and whether such disease can be transmitted to humans.

B. Procedures for picking up and sheltering animals:

1. The responding authority identified above shall be responsible for notifying the City of Hutchinson Animal Control Division, or such other qualified entity as approved by the Reno County Board of County Commissioners, that a pick up has been authorized.
2. The responding authority identified above shall determine where and how such animals are confined and/or sheltered. If the animal(s) is to be taken to an animal shelter, priority should be given to the facility which is designated by the City of Hutchinson as its shelter or to such other shelter as approved by the Reno County Board of County Commissioners. All costs associated with the care and treatment of the animal shall be paid by the owner of the animal.

VI. PENALTIES.

Violations of Sections II and III herein shall constitute a misdemeanor, and any person convicted of violating the provisions thereof shall be punished by a fine of not less than \$100.00 and of not more than

\$500.00, or by imprisonment in the County Jail for a period not exceeding 30 days, or by both such fine and imprisonment at the discretion of the District Court.

VII. EFFECTIVE DATE.

This Resolution shall become effective on January 1, 2005, following its publication once in the official county newspaper.

ADOPTED in regular session this 13th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
OF RENO COUNTY, KANSAS

By: _____
Francis J. Garcia, Chairman

Larry R. Sharp, Member

Francis E. Schoepf, Member

ATTEST:

Reno County Clerk